

## **Confidentiality and DVR Records Information for Applicants and Consumers**

The Wisconsin Division of Vocational Rehabilitation (DVR) must collect information about the individuals it works with. This information is gathered primarily to determine if the person is eligible for services, to determine placement on the order of selection waiting list for services, to identify an appropriate vocational objective, to identify which services are needed for the person to achieve the vocational objective, and to coordinate services with other agencies. Authority is granted to DVR to gather and keep this information under federal and state law: 34 CFR 361.38(a)(1)(iii) and s. 47.02(3m)(c)4.

You are not required by law to provide this information to DVR, but if you refuse and if the information is needed to accomplish the objectives in the above paragraph, DVR may not be able to provide you with services.

The information you provide to DVR is protected as confidential by several federal and state laws, including 34 CFR 361.38, s. 47.02 (7) (a), DWD 68, and s. 146. Furthermore, your meetings with a DVR counselor are considered as privileged communications under Wisconsin law s. 905.

There are times, however, when information is released without your consent. Routinely information is shared as needed with rehabilitation facilities and other professionals when it is needed to prepare for an evaluation or other services (DWD 68.02(5)(a), DWD 68.04(1).)

Information is also shared with other agencies when necessary to seek and obtain comparable benefits (services needed for your rehabilitation plan but provided by other sources than DVR) (DWD 68.02(5)(b), DWD 68.04(1).)

Information may also be released without your knowledge or consent in the following situations if they arise:

- **Criminal Investigation** - Public safety officials can be given access to records on a need to know basis without the prior knowledge or consent of the subject if the request is part of specific criminal investigations.
- **Child Support Investigation** - S. 46.25 (2M), WI Statutes, requires disclosure of personal information including employment information to the Child Support Program without prior notice or consent of the subject of a record.

- **Public Safety** - In most cases, personal information may be disclosed without the prior knowledge or consent of the subject of the record to protect an individual from harming themselves by their own actions, to protect public safety, or to protect specific individuals (34 CFR 361.38, Code of Federal Regulations and s. DWD 68, WI. Administrative Code).
- **To Report Child Abuse or Neglect** - In addition to the provisions for protection of public safety, s. 49.981, WI. Statutes require professional medical and human services workers, under certain conditions, to report suspected child abuse. Reporting is mandatory if a vocational rehabilitation counselor sees the abused or neglected child during the course of a counselor's professional duties.
- **To Report Elder Abuse or Neglect** - The Wisconsin Elder Abuse Law defines four categories of elder abuse, physical abuse, material abuse, neglect, or self-neglect (s 46.90, WI Statutes). While mandatory reporting is not required, if a professional counselor becomes aware of an abuse or neglect situation, a voluntary report may be made to the Wisconsin Elder Reporting System.
- **In Response to a Valid Court Order** - s. 146.82(2)4.
- **For Program Monitoring Purposes** - If DVR is audited, the auditors have access to confidential information. Personally identifying information will not appear, however, in any reports prepared (DWD 68.02(5)(c), DWD 68.04(1).)
- **For Program Administration** - Trainees, interns, volunteers, consultants, clerical staff, and supervisors have access to confidential information when their duties involve acting on behalf of the individual or the counselor.
- **To Coordinate the Provision of Services with Other DWD and Job Center Partners** (DWD 68.02(5)(b), DWD 68.04(1).):
  - Division of Unemployment Insurance
  - Division of Workforce Solutions
  - W-2
  - Job Service
  - Veterans Services
  - Food Stamps
  - BadgerCare
  - Medical Assistance
  - Social Security Administration/Disability Determination Bureau

If you have any questions about confidentiality, you are encouraged to contact your vocational rehabilitation counselor.

DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact 800-442-3477 or 888-877-5939 (TTY).